* ZONING COMMISSIONER Sudbrook Road (1017 Windsor Road) * OF BALTIMORE COUNTY 3rd Election District 2nd Councilmanic District * Case No. 91-451-A

Joseph Klein, III and Judith S. Sandler -Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 26 feet in lieu of the minimum required 37.5 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Petitioners submitted a letter of approval from the affected property owner to the rear of the subject site, marked Petitioner's Exhibit 2. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of July, 1991 that the Petition for Residential Variance to permit a rear yard setback of 26 feet in lieu of the minimum required 37.5 feet for an open projection (deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> > - 2-

JRH:bjs S RECEIVED FOR FILIN

for Baltimore County

Date of Posting Petitioner: Loseph Africa III of Justille V. Sandles Location of property: 3/3 Mindre Road, 411 11 11 Sudde he Road 1617 Mindre Road Location of Signs: Fire freed of 1417 12 Widow Coard

Posted by _____ Date of return:

centerline of Windsor Road: South 82 degrees 20 minutes 00 seconds East 90.00 feet South 76 degrees 35 minutes 20 seconds East 90.00 feet to

Zoning Description 91-451-A

As recorded in Deed Liber 8353, folio 637, beginning for the sufficient same at a point in the centerline of Windsor Road, and binding

along the outlines of land described in the Deed, the following

1) South 10 degrees 11 minutes 00 seconds West 130.33 feet,

2) South 78 degrees 10 minutes 50 seconds West 150.00 feet

3) North 02 degrees 03 minutes 10 seconds West 192.00 feet to a

point in the center line of Windsor Road thence binding along the

three courses and distances as now surveyed:

the point of beginning

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

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PETITION	FOR	RESIDENTIAL	VARIANCE

O THE ZONING COMMISSIONER OF BALTIMORE COUNTY:	91-451-A	AFFIDAVIT
		IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
The undersigned, legal owner(s) of the pro-	operty situate in Baltimore County and which is described in	91· 451-A
he description and plat attached hereto and made	s a part hereof, petition for a Variance from Section	The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner Baltimore County, as follows:
in the op the required -	the 12 feet.	That the information herein given is within the personal knowledge of the Affiant(s) and is/are competent to testify thereto in the event that a public hearing is scheduled in the furgeard thereto.
i the Zanta Bandarda S D to a		That the Affiant(s) does/do presently or upon settlement will reside at
the Zoning Regulations of Baltimore County, to Indicate hardship or practical difficulty)	the Zoning Law of Baltimore County, for the following reason:	BAZTTMURE, MD 21208 ,11450
Thu:	Large is necessary in order	(Address)
o both which would be aesthet	horizone is necessary in order being the feet is not sufficient to hoully pleasing to homeowner and neighbors. ackyard more pleasing to reighbors,	That based upon personal knowledge, the following are the facts upon which I/we base the for a Residential Zoning Variance at the above address: (indicate hardship or practical diffi
Property is to be advertised and/or posted a	ackyded where Pleasing to weigh being	The vibration is necessary in order to be
		delick layour than 5 yest
this petition, and further agree to and are to ltimore County adopted pursuant to the Zoning L	e Variance posting and, if necessary, advertising, upon filing be bound by the zoning regulations and restrictions of aw for Baltimore County.	
ntract Purchaser:	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of penalties.	That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to reposting and advertising fee and may be required to provide additional information.
	Legal Owner(s):	judity 5. janetter toxille at
pe or Print (Hame)	(Type or Print Name)	AFFIANT (Handwritten Signature) AFFIANT (Handwritten Signature)
nature	Signature (CC)	TOUTH S SANGUER TOSTH KULTA AFFIANT (Printed Name) AFFIANT (Printed Name)
[859	(Type or Print Name)	
y/State/ZIp Coda	Signature Samuel	STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
torney for Petitioner:	arm bernie	I HEREBY CERTIFY, this 24 day of
pe or Print Name)	Address Phone	Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
nature	Bultimare pro 21768	the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)
1655	Name, address and phone number of legal owner, contract	oath in due form of law that the matters and facts hereinabove set forth are true and correct of his/her/their knowledge and belief.
1033	purchaser or representative to be contacted.	AS WITNESS my hand and Notarial Seal.
otney's telephone number	Name	
CONFORD by the Zonlan Completioner of Bulbluses Combin	Address Religions, VID. 21265 Phone this 24 day of 1991, that the subject metter of this	DATE DATE NOTARY PUBLIC
ition be posted on the property on or before the	ay of, 19_ 9/	My Commission Expires:

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PURE IC HEARING HAVING BEEN RECLESSED AND/OR FOUND TO BE REQUIRED.

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ______ day of ______, 19____, that the subject matter of this patition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at ____ o'clock,

ZONING CONTISSIONER OF BALTIMORE COUNTY

Baltimore County Government Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

June 24, 1991

Mr. & Mrs. Joseph Klein, III 1017 Windsor Road Baltimore, MD 21208

> RE: Item No. 452, Case No. 91-451-A Petitioner: Joseph Klein, et ux Petition for Residential Variance

Dear Mr. & Mrs. Klein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Ctherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE. ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY OUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 24th day of May, 1991.

ZONING COMMISSIONER

Petitioner: Joseph Klein, et ux Petitioner's Attorney:

AFFIDAVIT

rmation herein given is within the personal knowledge of the Affiant(s) and Affiant(s) testify thereto in the event that a public hearing is scheduled in the future with

2 17 MURE, MD 21208 SULYSU 4958

on personal knowledge, the following are the facts upon which I/we base the request for Zoning Variance at the above address: (indicate hardship or practical difficulty) whater is necessary in order to build aloge than 5 geet

- toxilille # AFFIANT (Handwritten Signature) JUSCOH KUTN LIT AFFIANT (Printed Name)

ein, personally known or satisfactorily identified to me as such Affiant(s), and made f law that the matters and facts hereinabove set forth are true and correct to the best nowledge and belief.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: June 10, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Michael Prince, Item No. 420 Michael J. Maccubin, Item No. 431 Jay S. Lebow, M.D., Item No. 433 Raymond A. Ricci, Item No. 434 Terry W. Deitz, Item No. 435 Kathleen B. Thompson, Item No. 436 William Buzby, Item No. 437 Thomas P. Sisk, Item No. 441 Elmer S. Cochran, Item No. 444 Richard W. Offutt, Item No. 448

Joseph C. Hiltner, Item No. 449

Joseph Klein, III, Item No. 452

Jan Frederick, Item No. 451

Carl W. Miles, Item No. 457

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

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1.59 (1.1.)

91-451-1 200 East Toppa Road, Sigge Out-Towson, MD 2120 (5500) (301) 887 (500) JUNE 20, 1991 J. Robert Paines %oring Commissioner Office of Flanning and Zoning Baltimore County Office Bullding Towson, MD 2]204 Et: Property Owner: JOSEPH KLEIN, III AND JUDIUM S. SANDLER Location: #1017 NIMDSOR POAD Ttem Mo.: 452 Zoning Agenda: JUNE 11, 1991 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Pureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time. Noted and PEVIEWER Calt Joseph Kelly 6 20 91 Approved Fire Frevention Bureau Special Inspection Division

JR/RER

med 6/25/91

Signification Baltimore County Government Fire Department

Mr. J. Robert Haines Baltimore County Zoning Commissioner Office of Planning & Zoning 401 Bosley Avenue Towson, MD 21204

91-451-A

Dear Mr. Haines:

June 27 91-451-A

TO: Mr. J. Robert Haines

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

461, 462 and 466.

RJF/19d

Zoning Commissioner

W.A.C. MEETING DATE: June 11, 1991

EBREAU OF TRAFFIC ENCINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

This office has no comments for items number 452, 454, 455, 456, 457,

Traffic Engineer (1

DATE: June 25, 1991

As a neighbor of the Kleins, we are aware of their request for a zoning variance.

We have seen the plans for their deck and understand that the deck will go 11/2 feet beyond the current 37/2 foot set-back regulation. After discussing this in detail, we have no problems in accepting this new variance.

If you have any questions, please do not hesitate to contact us at .

Sincerely yours, Churut Kouse

Edward Brady (Next Down Neighber)

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

May 28, 1991

91-451-A

887-3353

Joseph Klein, III Judith Sandler 1017 Windsor Road Baltimore, MD 21208

RE: Petition Filed in Zoning Office

Item Number 452

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of June 4, 1991. According to our records, this Petition was filed on May 24, 1991 with John S. Sullivan, Jr.

In order for this Petition to be placed on the next agenda, you must contact Mr. Sullivan at 887-3391 to rectify the problem.

Very truly yours,

Baltimore County Government Zoning Commissioner Office of Planning and Zoning 111 West Chesapeake Avenue Joseph Klein, III and Judith Sandler

887-3353

Baltimore, Maryland 21208

Towson, MD 21204

1017 Windsor koad

Re: CASE NUMBER: 91-451-A LOCATION: S/S Windsor Road, 411' W of Sudbrook Road 1017 Windsor Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 12, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 27, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.







